



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 41**

June 4, 2003 - Offered by Senators CARPENTER and MOORE.

1 **AN ACT** *to create* 111.335 (1) (d) of the statutes; **relating to:** permitting an
2 educational agency to refuse to employ or to terminate from employment
3 certain unpardoned felons.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job.

This substitute amendment specifies that it is not employment discrimination because of conviction record for an educational agency to do any of the following:

1. Refuse to employ or to terminate from employment an individual who has been convicted within five years prior to the refusal to employ or termination of employment of a Class A, B, C, D, E, F, G, or H felony against life or bodily security or against children for a violation that occurs on or after the effective date of the bill, and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the job.

2. If the individual has served a term of imprisonment in connection with the conviction, refuse to employ or to terminate the individual from employment for five

years after the date on which the individual is released from prison, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under the substitute amendment, an “educational agency” is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, an agency under contract with a school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 111.335 (1) (d) of the statutes is created to read:

2 111.335 (1) (d) 1. In this paragraph, “educational agency” means a school
3 district, a cooperative educational service agency, a county children with disabilities
4 education board, a state correctional institution under s. 302.01, a secured
5 correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,
6 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
7 Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of
8 Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health
9 Institute, a state center for the developmentally disabled, a private school, a charter
10 school, a private, nonprofit, nonsectarian agency under contract with a school board
11 under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract
12 with the board of school directors in a 1st class city under s. 119.235 (1).

13 2. Notwithstanding s. 111.322, it is not employment discrimination because of
14 conviction record for an educational agency to refuse to employ or to terminate from

1 employment an individual who has been convicted, within 5 years prior to the refusal
2 to employ or termination of employment, of a Class A, B, C, D, E, F, G, or H felony
3 under ch. 940 or 948, or of an equivalent crime in another state or country, for a
4 violation that occurs on or after the effective date of this subdivision ... [revisor
5 inserts date], who has not been pardoned for that felony, and whose conviction has
6 not been reversed, set aside, or vacated, except that, if the individual has served a
7 term of confinement in prison in connection with that conviction, it is not
8 employment discrimination because of conviction record for an educational agency
9 to refuse to employ the individual or to terminate the individual from employment
10 for 5 years after the date on which the individual is released from prison.

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(END)